



**Letter & attachments for BoS Item 43 (6-17-14)**

**Terry Wahler** to: Annette Ramirez, cr\_board\_clerk Clerk  
Recorder

06/16/2014 02:00 PM

Hi Annette,

A letter was received from the State Department of Housing and Community Development regarding the Housing Element Update/General Plan Amendment (Item 43). The attached packet was distributed to Board members this morning. We have made copies for the public and will also make them available tomorrow at the hearing. Please call if you have any questions.  
Thank you, Terry



Housing Element Update\_HCD LTR\_BoS(6-17-14).pdf

Terry Wahler, Senior Planner  
Land Conservation Program &  
Master Planned Communities  
(805) 781-5621



## SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

**TO:** BOARD OF SUPERVISORS

**FROM:** TERRY WAHLER, SENIOR PLANNER, CURRENT PLANNING

**VIA:** DANA LILLEY, SUPERVISOR, HOUSING SECTION

**DATE:** JUNE 17, 2014

**SUBJECT:** Minor Revisions to the Planning Commission Recommended Draft Housing Element Requested by the State Department of Housing and Community Development.

### Department of Housing and Community Development (HCD)

On June 12, 2014 staff received the Department of Housing and Community Development's (HCD) letter of compliance (attached). On June 12, 2014, prior to release of the letter, HCD staff requested some minor additions to several sections of the Draft Housing Element. HCD's requested revisions include:

- 1) Two additional sentences describing the Conditional Use Permit process in Chapter 5.
- 2) Two additional sentences describing the differences between Conditional and Minor Use Permits in Chapter 5.
- 3) Additional language to note an ordinance amendment in process for the Minor Use Permit Multi-family dwelling threshold in Chapter 4.
- 4) Findings for Use Permits from Title 22 added as Appendix I.

Staff has incorporated these revisions into Chapters 4, 5 and 6 as change pages that are attached for your review.

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Presented By: Department of Planning and Building Staff  
Rec'd prior to the meeting & posted on: June 16, 2014

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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June 12, 2014

Mr. James A. Bergman, Director  
Department of Planning and Building  
County of San Luis Obispo  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408

Dear Mr. Bergman:

**RE: County of San Luis Obispo's 5<sup>th</sup> Cycle (2014-2019) Draft Housing Element**

Thank you for submitting the County of San Luis Obispo's draft housing element update which was received for review on April 16, 2014, along with additional revisions received on June 5 and June 12, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on May 21, 2014 with Mr. Terry Wahler, Senior Planner and Mr. Dan Lilley, Housing Section Supervisor.

The Department conducted a streamlined review of the draft housing element based on the County meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The County also utilized the Department's pre-approved housing element data.

The revised draft element meets the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department, in accordance with GC Section 65585(g).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication of Mr. Wahler, in preparation of the housing element and looks forward to receiving San Luis Obispo County's adopted housing element. If you have any questions or need additional technical assistance, please contact Fidel Herrera, of our staff, at (916) 263-7441.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Seeger".

Jennifer Seeger  
Housing Policy Manager

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all housing units for extremely low, very low income, low income, and moderate-income households from its Growth Management Ordinance, resulting in significant time savings during periods of high demand for building permits. Also, the Planning and Building Department provides expedited permit processing for affordable housing developments, saving weeks or months in processing times. As previously directed by the Board of Supervisors, the Planning and Building Department will monitor the impact of its permitting processes (including use permits) and look for opportunities to streamline permits for housing. Some of the strategies include, but are not limited to:

1) Reduce the permit requirement for multi-family housing projects from a Conditional Use Permit to a Minor Use Permit ([currently in process](#) - the threshold should reflect the size of typical multi-family projects);

2) Conduct CEQA analysis in advance of potential projects (i.e. in conjunction with focused specific plans/community plan updates); and

3) Promote/facilitate the affordable housing CEQA exemption (when applicable). CEQA exemptions will not be promoted in areas with a certified Level of Severity III.

Desired Result: Approximately 100 more housing units for extremely low, very low, low, and moderate-income households than without such incentives.

Agency: Planning and Building Department, Public Works Department

Funding: Budgets of affected departments

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minor use permits). A public hearing for a Minor Use Permit shall only occur when a hearing is requested by the applicant or other interested persons. If no hearing is requested, the Minor Use Permit is considered for approval at the next scheduled administrative hearing meeting.

Conditional Use Permits are required for larger projects or other land uses that may have the potential to affect the neighborhood or community. They require public hearings before the Planning Commission to review project design in detail and insure the proper integration of the project into the community.

The permit requirements for residential uses depend on the type of project and the land use category. In the Multi Family land use category, projects with 15 or fewer units can be approved with only ministerial review. For projects with 16-24 units a Minor Use Permit (MUP) is required. Projects with 25 or more units require a Conditional Use Permit (CUP) and are reviewed by the Planning Commission. The purposes of discretionary review (either MUP or CUP) are the following:

- To enable design review in accordance to community design plans, guidelines, and standards,
- To allow the County to modify development standards for housing development when necessary and appropriate, and
- To mitigate potential environmental impacts of development. Unique and varied environmental conditions exist within the unincorporated communities of San Luis Obispo County, and mitigation measures can reduce or avoid potential impacts.

The Minor Use Permit process is typically a faster project review process with lower fees whereas the Conditional Use Permit has higher fees and typically takes longer to process. Since the Minor Use Permit process is less expensive and less time consuming, it can help facilitate the approval of new housing projects.

*Table 5.20 describes permit requirements for residential projects. Appendix I lists the findings from the Land Use Ordinance (Title 22) for Conditional Use Permits and Minor Use Permits.*

## CHAPTER 6: APPENDICES

The appendices include required information per Government Code Sections 65580-65589.8 as well as information that may be useful to the public, non-profits, and developers. While some appendices are required, others are provided for the benefit of the reader.

- A. Affordable Housing Units Built 2007-2013
- B. Maps of Vacant and Underutilized High Density Sites
- C. Community Environmental Constraints Maps
- D. Typical Permit Fee Chart
- E. 2010-2012 Average Community Survey Census Profile Table of San Luis Obispo County
- F. Population Projections
- G. Evaluation of the Previous Housing Element
- H. Goal, Policy, and Program Digest
- I. Required Findings for Conditional Use Permits and Minor Use Permits

## **APPENDIX I: REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS AND MINOR USE PERMITS**

(From Title 22 Section 22.62.060.C.4.)

Required findings. The Review Authority shall not approve or conditionally approve a Conditional (or Minor) Use Permit unless it first finds that:

- a. The proposed project or use is consistent with the Land Use Element of the General Plan; and
- b. The proposed project or use satisfies all applicable provisions of this Title; and
- c. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
- d. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
- e. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project.
- f. Any additional findings required by planning area standards in Article 9 (Community Planning Standards), combining designation (Chapter 22.14), or special use (Article 4).

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